

1 UNITED STATES DISTRICT COURT
2 EASTERN DISTRICT OF NEW YORK

3 UNITED STATES OF AMERICA,

09-CR-00466 (BMC)

United States Courthouse
Brooklyn, New York

4
5 -against-

February 12, 2019
9:30 a.m.

6 JOAQUIN ARCHIVALDO GUZMAN
7 LOERA,

8 Defendant.
9 -----x

10 TRANSCRIPT OF CRIMINAL CAUSE FOR TRIAL
11 BEFORE THE HONORABLE BRIAN M. COGAN
12 UNITED STATES DISTRICT JUDGE
13 BEFORE A JURY

14 APPEARANCES

15 For the Government:

UNITED STATES ATTORNEY'S OFFICE
Eastern District of New York
271 Cadman Plaza East
Brooklyn, New York 11201
BY: GINA M. PARLOVECCHIO, ESQ.
ANDREA GOLDBARG, ESQ.
Assistant United States Attorneys

UNITED STATES ATTORNEY'S OFFICE
Southern District of Florida
99 NE 4th Street
Miami, Florida 33132
BY: ADAM S. FELS, ESQ.
Assistant United States Attorney

DEPARTMENT OF JUSTICE
Criminal Division
Narcotic and Dangerous Drug Section
145 N. Street N.E. Suite 300
Washington, D.C. 20530
BY: ANTHONY NARDOZZI, ESQ.
AMANDA LISKAMM, ESQ.

24
25 (CONTINUED FOLLOWING PAGE)

1 (APPEARANCES CONTINUED)

2
3
4 For the Defendant: BALAREZO LAW
400 Seventh Street, NW
5 Washington, D.C. 20004
BY: A. EDUARDO BALAREZO, ESQ.
6
LAW OFFICES OF JEFFREY LICHTMAN
7 11 East 44th Street, Suite 501
New York, New York 10017
8 BY: JEFFREY H. LICHTMAN, ESQ.
PAUL R. TOWNSEND, ESQ.
9
LAW OFFICE OF PURPURA & PURPURA
10 8 E. Mulberry Street
Baltimore, Maryland 21202
11 BY: WILLIAM B. PURPURA, ESQ.
12
LAW OFFICES OF MICHAEL LAMBERT, ESQ.
369 Lexington Avenue, PMB #229
13 New York, New York 10017
BY: MICHAEL LEIGHT LAMBERT, ESQ.
14 MARIEL COLON MIRO, ESQ.
15

16 Court Reporter: Rivka Teich, CSR, RPR, RMR, FCRR
17 Phone: 718-613-2268
Email: RivkaTeich@gmail.com
18

19 Proceedings recorded by mechanical stenography. Transcript
produced by computer-aided transcription.
20
21
22
23
24
25

VERDICT

1 (In open court.)

2 THE COURTROOM DEPUTY: All Rise.

3 THE COURT: Be seated. We have received a note from
4 the Jury that we've marked as Court Exhibit 16. It says, "We
5 have reached a verdict." It is signed by Juror No. 11, the
6 Foreperson.

7 Is there any reason from the parties why I should
8 not bring in the jury and receive the verdict?

9 MS. PARLOVECCHIO: No, your Honor.

10 MR. PURPURA: No, your Honor.

11 THE COURT: Let me say a couple of things to the
12 gallery first before I bring in the jury. First of all, no
13 demonstrative reaction to the verdict, please, everyone
14 demonstrate proper decorum.

15 Second, those of you who chose to be in the
16 courtroom, at this point you're going to need to stay until I
17 discharge the jury. I don't want everyone running for the
18 exits as soon as I start reading the verdict. Make your
19 decision now, either you stay here or you can go to the
20 overflow courtroom and listen to it there.

21 Let's have the jury in, please.

22 (Jury enters the courtroom.)

23 THE COURT: Everyone be seated. Good morning,
24 ladies and gentlemen. We have your note saying that you have
25 reached a verdict.

VERDICT

1 Let me ask your Foreperson, Juror No. 11, is it
2 correct that you have reached a unanimous verdict on all
3 counts?

4 THE FOREPERSON: Yes.

5 THE COURT: Hand the verdict form to Ms. Clarke.
6 Give me a moment to inspect the verdict form.

7 All right, ladies and gentlemen, what I'm going to
8 do now is referred to as publishing the verdict, that simply
9 means I'm going to read it out loud. It's very important that
10 you listen carefully as I read it because either side has the
11 right to ask me to ask each one of you individually if what
12 I've read does in fact represent your true and accurate
13 verdict. So please attend while I read the verdict.

14 The verdict on Count One, engaging in a continuing
15 criminal enterprise, the Jury has checked guilty.

16 As to the Violations within that count, the Jury has
17 checked proven as to all Violations except Violation 18 and
18 24.

19 As to the questions following Count One, first, has
20 the Government proved beyond a reasonable doubt that at least
21 one Violation that you have determined to be proven involved
22 at least 150 kilograms of cocaine, the Jury has checked yes.

23 The second question, has the government proved
24 beyond a reasonable doubt that the Enterprise received
25 \$10 million or more in gross receipts during at least one

VERDICT

1 12-month period from the manufacture, importation or
2 distribution of cocaine, the Jury has checked yes.

3 On the third question, has the Government proved
4 beyond a reasonable doubt that the defendant was one of
5 several principal administrators, organizers or leaders of the
6 enterprise, the Jury has checked yes.

7 As to Count Two, international cocaine, heroin,
8 methamphetamine and marijuana manufacture and distribution
9 conspiracy, the Jury has checked guilty.

10 In response to the questions under that count.
11 First, has the Government proved beyond a reasonable doubt
12 that the offense involved 5 kilograms or more of cocaine, the
13 Jury has checked yes.

14 Question two, has the Government proved beyond a
15 reasonable doubt that the offense involved 1 kilogram or more
16 of heroin, the Jury has checked yes.

17 Question three, has the Government proved beyond a
18 reasonable doubt that the offense involved 500 grams or more
19 of methamphetamine, the Jury has checked yes.

20 The fourth question, has the Government proved
21 beyond a reasonable doubt that the offense involved
22 1,000 kilograms or more of marijuana, the Jury has checked
23 yes.

24 As to Count Three, the Jury's verdict is guilty.

25 The question, has the Government proved beyond a

VERDICT

1 reasonable doubt that the offense involved 5 kilograms or more
2 of cocaine, the Jury has checked yes.

3 As to Count Four, the Jury has checked guilty.

4 The question, has the Government proved beyond a
5 reasonable doubt that the offense involved 5 kilograms or more
6 of cocaine, the Jury has checked yes.

7 As to Count Five, the Jury has checked guilty.

8 The question under Count Five, has the Government
9 proved beyond a reasonable doubt that the offense involved
10 5 kilograms or more of cocaine, the Jury has checked yes.

11 As to Count Six, international distribution of
12 cocaine, the Jury has checked guilty.

13 As to the question under Count Six, has the
14 Government proved beyond a reasonable doubt that the offense
15 involved 5 kilograms or more of cocaine, the Jury has checked
16 yes.

17 Count Seven, international distribution of cocaine,
18 the Jury has checked guilty.

19 As to the question under Count Seven, has the
20 Government proved beyond a reasonable doubt that the offense
21 involved 5 kilograms or more of cocaine, the Jury has checked
22 yes.

23 As to Count Eight, international distribution of
24 cocaine, the Jury has checked guilty.

25 As to the question under that count, has the

VERDICT

1 Government proved beyond a reasonable doubt that the offense
2 involved 5 kilograms or more of cocaine, the Jury has checked
3 yes.

4 As to Count Nine, use of firearms, the Jury has
5 checked guilty.

6 As to the questions under Count Nine, first, has the
7 Government proved beyond a reasonable doubt that one or more
8 of the firearms at issue in Count Nine was brandished, the
9 Jury has checked yes.

10 Second, has the Government proved beyond a
11 reasonable doubt that one or more of the firearms at issue in
12 Count Nine was discharged, the Jury has checked yes.

13 Third, has the Government proved beyond a reasonable
14 doubt that one or more of the firearms at issue in Count Nine
15 was a machine gun, the Jury has checked yes.

16 As to Count Ten, conspiracy to launder narcotics
17 proceeds, the Jury has checked guilty.

18 The verdict form is signed by Juror No. 11.

19 Would either side like me to poll the Jury?

20 MR. PURPURA: Yes, please poll the jury.

21 THE COURT: Juror No. 1, is the verdict as I have
22 read it to you, does that represent your true and accurate
23 verdict?

24 JUROR NO. 1: Yes.

25 THE COURT: Juror No. 2?

VERDICT

1 JUROR NO. 2: Yes.

2 THE COURT: Juror No. 3?

3 JUROR NO. 3: Yes.

4 THE COURT: Juror No. 4?

5 JUROR NO. 4: Yes.

6 THE COURT: Juror No. 5?

7 JUROR NO. 5: Yes.

8 THE COURT: Juror No. 6?

9 JUROR NO. 6: Yes

10 THE COURT: Juror No. 7?

11 JUROR NO. 7: Yes.

12 THE COURT: Juror No. 8?

13 JUROR NO. 8: Yes.

14 THE COURT: Juror No. 9?

15 JUROR NO. 9: Yes.

16 THE COURT: Juror No. 10?

17 JUROR NO. 10: Yes.

18 THE COURT: Juror No. 11?

19 JUROR NO. 11: Yes.

20 THE COURT: Juror No. 12?

21 JUROR NO. 12: Yes.

22 THE COURT: Is there any reason why I should not
23 discharge the jury?

24 MR. PURPURA: No, your Honor.

25 MS. PARLOVECCHIO: No, your Honor.

VERDICT

1 THE COURT: Ladies and gentlemen of the jury, I told
2 you when I gave you the instructions for this case that I had
3 no opinion on how you should decide this case, that remains
4 the case. I am not going to comment in any way on whether I
5 think your opinion was right or wrong in any way.

6 But what I do want to say to you and I have to
7 commend you for this, in my nearly 13 years as a trial judge I
8 have never seen a jury in a case this complicated pay the kind
9 of attention and focus on detail and go through the
10 deliberations the way you did. We're one of the few countries
11 in the world that trusts our citizens to make these important
12 kinds of decisions over other people's lives. You have
13 demonstrated why we do that and why we have confidence in it.

14 Not with regard to the decision you reached, but the
15 way you went about it, was really quite remarkable; and
16 frankly, made me very proud to be an American.

17 As for the alternates, I don't think your time here
18 was wasted. The level of tension when we don't have
19 alternates in a case like this, and the possibility of losing
20 a juror means the case have to start over, is really very
21 unpleasant. So having the security of having you here really
22 was a great benefit. I hope you found it interesting as well
23 to listen to the trial.

24 And I want to thank all of the Jury, the alternates
25 and the main Jury, for the excellent attention you paid

VERDICT

1 throughout this case. It was really just remarkable.

2 The only other thing I'll say to you is we're going
3 to continue to preserve your anonymity, the Court is not going
4 to let that information out. You can, if you want, my advice
5 to you is that you not. Once you open that door, it's very
6 difficult to close it, everyone is going to want to ask you
7 questions. But you have the perfect right to do as you want.
8 It's going to be your decision as to how you want to proceed
9 from this point forward. The information will not come from
10 the Court. I can assure you that it will not come from the
11 lawyers.

12 Thank you once again, we really appreciate it. You
13 are discharged.

14 (Jury exits the courtroom.)

15 THE COURT: Everyone be seated. The order of
16 detention will continue. Let's pick a tentative sentencing
17 date for about 90 days out.

18 COURTROOM DEPUTY: June 25 at 10:00 a.m.

19 THE COURT: June 25 at 10:00 a.m. is an initial date
20 for sentencing. Anybody have a problem with that?

21 (Continued following page.)
22
23
24
25

VERDICT

1 MR. PURPURA: No, your Honor.

2 THE COURT: Anything else to cover?

3 MR. PURPURA: No, thank you.

4 MS. PARLOVECCHIO: No, thank you.

5 THE COURT: Thank you. All we are adjourned.

6 (Whereupon, the matter was concluded.)

7 * * * * *

8 I certify that the foregoing is a correct transcript from the
9 record of proceedings in the above-entitled matter.

10 Rivka Teich, CSR RPR RMR FCRR
11 Official Court Reporter
12 Eastern District of New York
13
14
15
16
17
18
19
20
21
22
23
24
25